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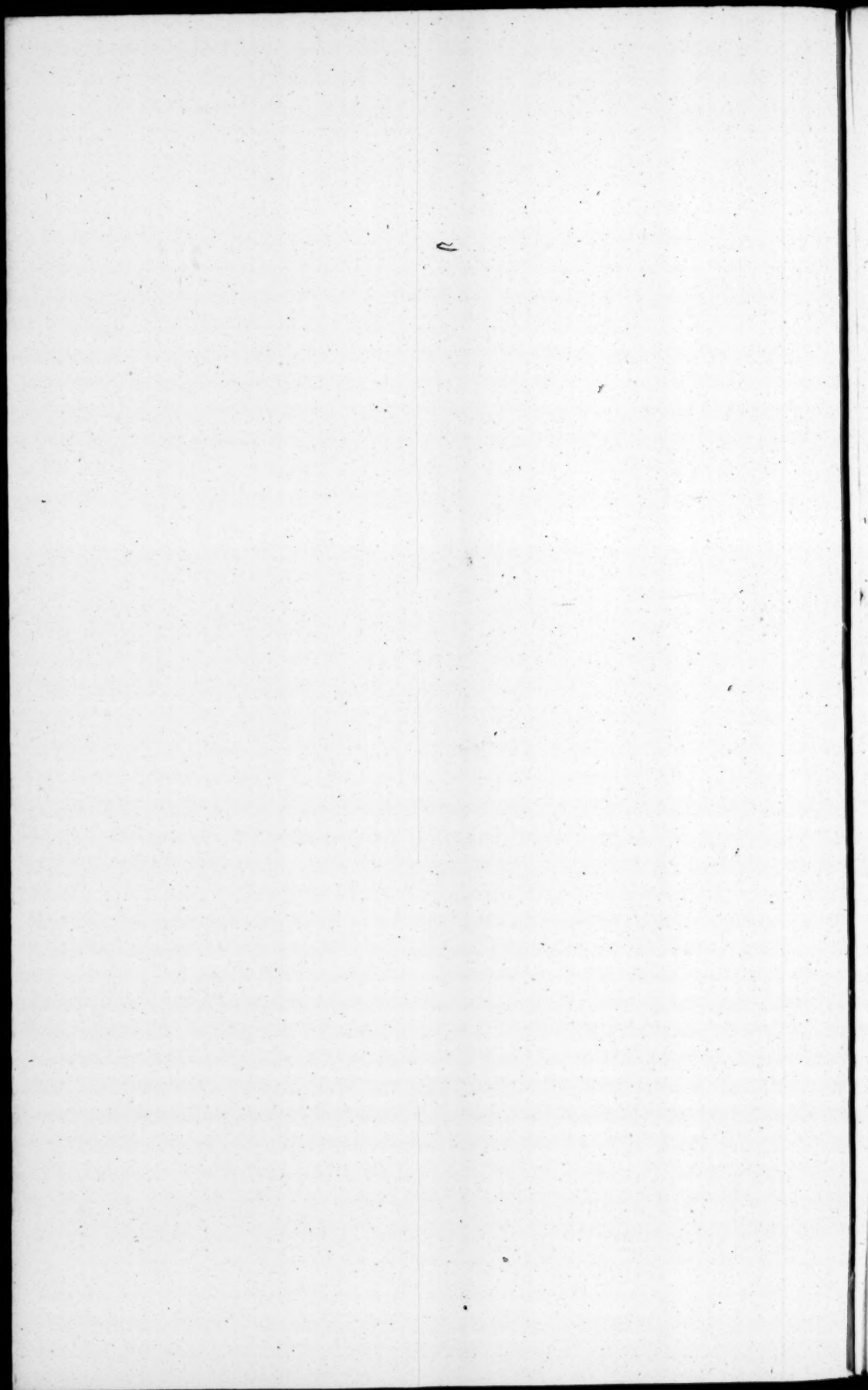
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A
D I A L O G U E

BETWEEN A
PROTESTING CATHOLIC DISSENTER,

AND A
C A T H O L I C;

ON THE
NATURE, TENDENCY AND IMPORT
OF THE
OATH LATELY OFFERED
TO THE
CATHOLICS OF ENGLAND.

BY THE
Rev. William Pilling.

L O N D O N:

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P R E F A C E.

THE following Dialogue, it is hoped, may be of some service, to many well meaning Catholics. We are called upon to take an oath, which our pastors have pronounced *inadmissible*. Their sentence is called in question. An appeal has been made to the Catholics at large, *against the censure of the Bishops*; the grounds of this appeal have been repeatedly offered to the public. It will not then be improper to state the reasons against the oath, that an impartial public may have every information necessary to form a judgment. A Dialogue was thought the most candid method of examining the merits of the cause; for therein, the unbiassed reader may weigh the grounds of both sides of the question, and fix his principles accordingly. It will easily be discovered to whom the author wishes victory, but he is not conscious of having omitted any reason of weight, on the other side, or of proposing any of them, in a weak manner.

These sheets would have been offered to the public, some time back, had they not been withheld,
a from

from an apprehension of augmenting discord, and widening the fatal breach, which subsists, at present, among English Catholics. It was said that time and reflection would cool the ardour of protesting Catholic Dissenters, as they are pleased to stile themselves, and that they would, in time, abandon a plan, which they found reprobated, by a great majority of the body, if they were not rendered obstinate, by resistance. This expectation is now proved vain. The pamphlets, which every day appear, in defence of the favourite system, are a clear proof, that nothing less than the most resolute opposition can reclaim them to their duty. The complexion of these pamphlets is a demonstration against the cause, in favour of which they are printed. If a system cannot be defended, but on the grounds of schism and heresy; it can not be orthodox. The two first, which appeared, dated *Moorfields*, breathe throughout insult and outrage against our worthy Prelates, and the Vicar of Christ. The first, in particular, contains doctrines evidently heretical, condemned as such, by universities, Popes and Councils. The direct object of the last publication is a schismatical separation from the See of Rome.

The author of these sheets had prepared for the press a full confutation of the Layman's letter, on the election of Bishops: but he found the work done, by abler hands. Mr. Plowden has refuted this Layman, in a masterly manner, though not so fully, as could be wished, from a person so well qualified for the undertaking. Mr. Millner however
has

has followed the Layman through all the mazes of his mangled quotations; and effectually driven him from every post.

What still remains to be done is, to shew this Layman and others some of the rights of the Primacy. He and many others have so long been attentive to what the Pope *is not*, that they forget *what he is*. It may not therefore be amiss to inform them. It is worth remarking that this Layman seems to bear no greater respect to a General Council, than he does to his Holiness: In his note, page 9. he asserts that the Canons of the Council of Trent give too great an authority to the Pope: we shall next be told that this Council has established *a lamentable abuse, which has disfigured the religion of Christ*. What could Luther have added to this?

That Christ our Redeemer gave to St. Peter the power of the Keys, Matth. xvi. and committed to him the care of his flock, John xxi. are gospel truths: That the Roman Pontiff succeeded to this power and care is a fact equally admitted, by all succeeding ages. This is evident from the unanimous consent of Councils and Fathers: nor does this Layman, *as yet*, seem to deny it. Here then we are agreed. But his opinion about the extent of these powers is *a dissent* from Catholic doctrine. I shall then shew him some few unexceptionable vouchers, and establish the Catholic doctrine of the Primacy, beyond a reply. I shall not produce those authorities, which only prove the Roman Pontiff to be *Primate or first Bishop* in the Church; this he will not deny; but such

only as have some connection with the present dispute, and shew that this power is extended much farther, than this Layman is aware of.

In the definition of faith, of both Greeks and Latins, in the Council of Florence, is the following passage: " We define that the holy Apostolical See, " and the Roman Pontiff, holds the primacy over " the whole world: and that the Roman Pontiff is " the successor of B. Peter the Prince of the Apostles, and the true vicar of Christ, the head of the " whole Church, and that he is the father and " teacher of all Christians: and that, to him, in the " person of Peter, was granted, by our Lord Jesus " Christ, a full power of feeding, directing and governing the whole Church; as is contained in " the acts of general councils, and the sacred canons." The *ordinary jurisdiction* therefore of the See of Rome extends as wide as the Church itself.

This remark is almost in so many words defined in the fifth council of Lateran.

" The Roman Church, by the appointment of " our Lord, holds the primacy of ordinary power " over all others." (churches.)

Not to tire this Layman's patience, with quotations from Councils and Fathers, I shall only add a few from among the French, whose authority will be of greater weight, as they are the less suspected of giving *too great authority to the Pope, as the Council of Trent has done.* In the assembly of the Gallican Clergy 1681, it is said of the Pope: " he " is

" is the head of the Church and the centre of
 " unity: he holds over us the primacy of autho-
 " rity and jurisdiction, committed to him by Jesus
 " Christ, in the person of St. Peter: whoever
 " dissents from the truth, would be a schismatic,
 " and even an heretic.

In 1728, the 4th of January, the same Clergy
 speaking of the power of Bishops, says, " Jesus
 " Christ by his own appointment, has prescribed
 " limits to this power, which he has granted to the
 " successors of the Apostles; this he has subjected
 " to the Chair of St. Peter, where he has placed
 " the plenitude of apostolic authority."

In 1657, they had almost translated the words of
 the Council of Florence, which they quoted, and
 then they proceed; who that is orthodox can doubt,
 " but that he (the Pope,) by this quality, of Pri-
 " mate, in cases and according to the forms of Law,
 " can provide for (or inspect over) the government
 " of every Diocese, and all the pastoral functions,
 " which are necessary for the good of souls."

Perhaps Mr. Bossuet will weigh as much in this
 Layman's opinion, as any author on the earth: let
 us then hear him (Lett. des Card. Archev. & Eveq.
 edit. 1728, page 56.) " A power, which is given
 " to many, carries its own restriction, by its being
 " divided; whereas the power given to only one,
 " (St. Peter) and over all others, and without excep-
 " tion carries with it a plenitude of power: not
 " being divided, with any other, it has no limits but
 " these which are fixed, by rule. For this reason
 " our

" our ancient Doctors of Paris . . . , with one voice,
 " have always acknowledged, in the Chair of Peter,
 " the fullness of apostolic authority: this point
 " is decided and finished. They only demanded,
 " that the exertions of this authority shall be regu-
 " lated, by the Canons; that is, by the common
 " laws of the whole Church." And again, " Thou
 " art a rock, and on this rock I will build my
 " Church; and I will give thee the Keys of the
 " kingdom of heaven. Thou, who hast the autho-
 " rity of preaching the faith, shalt also have the
 " Keys, which denote the authority of govern-
 " ment. Whatever thou shalt bind on earth, shall
 " be bound in heaven; and whatever thou shalt
 " loose on earth shall be loosed in heaven. All is
 " subjected to these Keys: the king and his people;
 " the pastors and their flocks. We publish it with
 " joy; because we love unity, our obedience is
 " our boast. The command of loving more
 " than other Apostles, was first given to Peter, then
 " that of feeding and governing all, the lambs
 " and the sheep; the young and their mothers, the
 " Pastors themselves. Pastors with regard to the
 " people, but sheep in relation to Peter, in whom
 " they honour Jesus Christ." I shall finish with one
 more quotation from the Gallican Clergy, in the
 before mentioned collection, page 58.

" It is necessary, according to the Catholic faith,
 " to acknowledge in the sovereign Pontiff, a pri-
 " macy of honour and jurisdiction also, as has
 " been acknowledged, from the first ages of the
 " Church,

" Church. This jurisdiction is not barely of ecclesiastical right; it is of divine right, by the institution of Jesus Christ. A jurisdiction, in virtue of which, the decrees of the sovereign Pontiff concern all the Churches, and each one in particular; and each of the Bishops considers it as one of his most essential duties to respect the Pope as his superior, to swear obedience to him to have recourse to his authority, in so many occasions, and to be subject to him, according to canonical ordination."

From all these I find, that the sovereign Pontiff holds, by the express appointment of Christ, a primacy not only of honour and pre-eminence, but of jurisdiction also: in virtue of which he is the ordinary universal Pastor of all the faithful in the Church, whether Laity, Clergy, or Bishops. He has then a right, inherent in his office, of preaching, teaching, and governing, in every spiritual concern, the whole Christian world: and every Christian is bound to submit, to his mandates, in matters of religion: This jurisdiction is not limited or confined, but by the Canons of the Church, even according to the principles of the Gallican Church, which never yet prevaricated, *as the Council of Trent did*. Now to make this doctrine more explicit, in the present debate, I shall point out necessary consequences admitted, by French Divines, as privileges, inherent in the primacy. I hope Dr. Hook will suffice for the rest, as he cannot be suspected of granting any one prerogative to the Pope, which
he

he did not think of divine origin. Had this Layman ever read the Doctor's Pricipia, I presume he would not have advanced so many errors.

Vol. 3. page 409. His proposition is,

" The Roman Pontiff, in virtue of the Primacy,
" can and ought, to watch with authority, over the
" observance and propagation of the Catholic faith,
" and the execution of the canons and customs ap-
" pertaining to universal discipline: this how-
" ever with dependence on the whole order of
" Pastors."

Page 411, Corol. 1. " The Roman Pontiff, by
" virtue of his primacy, is the centre of Catholic
" communion."

Page 418, Corol. 2. " Therefore the Roman
" Pontiff has, in the Church, a *legislative, executive,*
" *and judiciary* power; and his decisions concern-
" ing faith and universal discipline, pronounced ac-
" cording to the usual forms required by the canons,
" have the force of law; unless, through the oppo-
" sition of the Bishops, they should not be accepted,
" and thus be abolished."

On this head the Doctor has, *ibidem*.

" If a controversy arises about faith, the sovereign
" Pontiff has a right, 1, to declare what is precisely
" the Catholic doctrine, in the present controversy;
" and to condemn the doctrine, which is contrary to
" Catholic faith. 2. He has also a right to approve
" of those doctrines which are consistent with Ca-
" tholic faith, although they do not appertain to
" faith itself; and to condemn those which are not
" conform-

“ conformable to faith” 3. He has a right to approve
 “ of those forms of speech (expressions) which are
 “ consonant to faith; and to condemn those which
 “ are not.”

N. B. We have heard much reasoning, in favour of the oath, because it is not contrary to faith: as if nothing but direct faith itself should be attended to. The Doctor goes on, page 415. “ If a controversy arises about discipline, the Roman Pontiff has a right, 1. to declare which canons or customs are received, by the practice of all the churches; and to condemn those, who will not observe such canons and customs. 2. To condemn or rescind whatever is done, or introduced among Christians, which *he judges* not consistent with faith or Catholic discipline. 3. He can ordain or command whatever he thinks necessary or greatly conducive to the execution of the canons, or the preservation of faith.”

“ In a word, the Roman Pontiff, *as Primate of the Church*, can enact decrees, in all those concerns, which are subject to the decisions of the Church: all these things not only *evidently follow from the (foregoing) conclusion, but are moreover confirmed, by perpetual practice*: it would carry me too far to produce examples.”

Page 422. “ Cor. 3. The Roman Pontiff, in virtue of the Primacy, can receive appeals from all particular sentences concerning faith and general discipline; and in facts which might injure either.”

“ Corol. 5. The Roman Pontiff, in virtue of the
 “ Primacy, can validly dispense with the execution
 “ of the general canons, received in all the churches;
 “ when a sufficient reason demands it; but not
 “ without cause, at his bare will and pleasure.”

Page 420. He expressly mentions the right of sending legates, or appointing vicars of his pontifical authority.

I do not wish to swell this preface with unnecessary comments, on these plain words. A denial of any one right, *evidently inherent in the Primacy*, is to deny the Primacy itself; and consequently heretical. Let any one judge, from this, what sentence should be pronounced, on the late publications, in favour of the oath. Should any future occasion require it, this subject shall be treated more at large.

I expect to be called to an account for publishing these sheets; for, it will be said, these publications only irritate mens minds, and make ill worse. To this I shall answer, in the words of the late worthy Archbishop of Paris, quoted, by the Cardinal Archbishop of Mechlin, in his declaration of last year:
 “ It is therefore true that Popes and Councils, Bi-
 “ shops of the most eminent sanctity, and the mar-
 “ tyrs have always reclaimed against the laws of
 “ silence, which confound truth with error. Laws
 “ favorable to heresy, but pernicious to religion:
 “ laws which are an inexhaustible source of perse-
 “ cution and insults against Catholics; because the
 “ attention, to enforce such laws, is always fixt up-
 “ on the faithful, but leaves heretics at liberty to
 “ violate

“ violate them with impunity.” We are advised to be silent : but are our adversaries silent ? Have we not had a constant succession of incendiary publications, to the great scandal of religion, and the manifest danger of a schism in the Church. It is high time to repel these dangerous attacks ; and I hope to see every Catholic, who has talents to defend his religion, step forth and shew to the world, that neither the fear of losing the favour of the great, nor even threats of persecution, can deter him from the defence of truth and orthodoxy.

Should it be said that I ought to have substituted an oath, in place of that of the Committee, which would satisfy all parties : I answer, that, however easy the task, it is not the business of a private person ; this should be done, by the Bishops. Let them be consulted, and without doubt they will soon compose our differences, and satisfy government also, if the heads of administration only wish to secure our allegiance. If any thing more is demanded, it should not be granted.



A

DIALOGUE

BETWEEN A

PROTESTING CATHOLIC DISSENTER

AND A

CATHOLIC.

THE present disputes, about the oath of allegiance, have raised strange commotions throughout the kingdom, among the Catholics. I fear we shall be a divided people. Pray, Sir, let you and I discuss the matter together, perhaps we may clear the difficulty, by explaining our meaning.

C. I sincerely wish something of this sort had been done some time back. I am persuaded that a candid and calm discussion of this business would have prevented the Committee from proceeding, with any thing, which they apprehended to be wrong; and on the other hand, would have ensured the hearty concurrence of the Bishops, in every thing, where the rights of religion and conscience were left untouched. What can be done in the present stage

A

of

of the business, I do not know; but am very willing to discuss the matter with you, provided that no harshness or asperity be admitted in our conversation.

D. Agreed. *Investives* embitter the heart, but never enlighten the mind. However I think it will be necessary to advert occasionally to the conduct of the Bishops; as you, perhaps, may do, to that of the Committee; to point out the errors of either, without acrimonious censures of their intentions, will not injure their characters, and may serve to discover truth. I sincerely wish the Bishops had not been so very intractable; they have, almost from the beginning, refused to treat with the Committee; and this is the sole cause of our present critical situation.

C. Perhaps that may be true: but I believe the Bishops did not know how to proceed, with safety. They had, after all, some reasons to look on the proceedings of the Committee, with a jealous eye. I fancy ecclesiastical history will not furnish a single example of a similar nature. They are confessedly the guardians of religion, according to the institution of Christ, and we are bound to hear and obey them, in matters of religion; the Committee therefore were censurable, first in attempting to impose an oath on the Catholics, without the previous approbation of the Bishops; 2dly, in attempting to support their proceedings against the positive censure the Bishops had jointly published: for although the two Bishops, from whatever motives, did not publish the Circular letter, in their respective districts,



stricts, yet, it is well known, that the said letter was originally agreed to, by all four assembled. Now I wish to know, in what history we hear of any thing of the kind, in past ages: either as to the attempt originally, or, *a fortiori*, where the attempt had been opposed by the positive censure of the Bishops.

D. The Committee had proceeded, with calmness, under a clear conviction of doing good, and rendering essential service to the Catholic body. They had moreover two Bishops, and one of the most learned ecclesiastics in the kingdom, at their head, they had the Protestation to guide them, which was signed by the best heads and hearts in the nation; hence they framed an oath, strictly conformable to the tenor of the protest, and never had a thought that it would be objected to. The two Bishops and the learned Doctor, their fellow members, had approved of the oath; and still approve of it, at least the two surviving persons. But the Bishops met, and censured the oath as inadmissible, in general terms, without assigning any reason. What could the Committee do, but write an apology, both to the Bishops themselves and the Catholics at large? For although the Bishops are the natural guardians of religion, yet they are not the tyrants of their subjects. The Committee therefore had an undoubted right to explain themselves, to the Catholics of England, and to request the Bishops to re-consider the case, and to insist on knowing their reasons for so rashly censuring an oath,

which was no more than a civil test of allegiance, in which they had no right to interfere.

C. This brings us to a very serious debate, and which can not be managed so well by a general answer: if you please, we will divide the subject, and treat the different parts separately. Let us then consider first the article of the Protestation. The right of the Bishops to censure the oath without assigning their reasons for so doing; the Committee's appeal to the nation will be hinted at under the second head; you will see, that we shall be obliged to examine whether the oath is a mere test of civil allegiance, or a religious oath. I would not willingly enter upon a discussion of the merits or talents of the three ecclesiastics, who were members of the Committee; we are to try the merits of the cause, even against the persons who supported it: and therefore their authority, however great, is out of the question. I could wish however that we should previously discuss the propriety of the title: *Protesting Catholic Dissenter*: this comes in order, before the other heads, and, if you have no objection, we will examine if even this title itself be admissible.

D. I willingly accept the challenge, both as to the division of the matter, and to the previous discussion of the title. We shall then have another debate on the oath itself; for I wish to clear up every difficulty concerning the whole affair. I cannot however conceive what uneasiness the title should create. We are under legal restrictions,
enacted

enacted from misapprehension, or misrepresentation of our principles, we seek for redress of our grievances, Government will not grant it to us as Catholics, what are we to do? A nick-name will do us no very great detriment; and at all events, one more humiliating can never be invented than that of *Papists*, by which we have alwas been distinguished in the penal statutes.

C. It was a remark worthy of the Right Rev. Dr. Challoner, that it is no disgrace to the Church of Christ to be called, by any opprobrious appellations, by her rebellious children; this ever has, and will ever be the case: but it is a sure mark of heresy or schism, when any body of Christians adopt a distinctive appellation, different from their holy mother. The word Catholic, according to the doctrine of the Fathers, has ever been a mark of the true Church; and has always discriminated her from every set of sectaries. To abandon this, or to adopt a new appellation, is to allow that we do not belong to the true Church, but are really a new sect. I will venture to say, if these affairs go on, that the word Catholic will soon be left out of your title; then you will only be Protestant Dissenters. *Papist* is a nick-name imposed upon us; this title is assumed by ourselves; the Committee have told us, "that on the propriety of its invention, and its probable efficacy, the merits of this plan chiefly rests." It is then an appellation, a nick-name adopted, by themselves: not imposed upon them, and would soon, in fact, as in name, separate them from the
great

great body of the Catholic Church. This Church will never admit, as its members, any persons, who give up her ancient hereditary surname, and adopt a new denomination. If then our Legislators are still so far worked up, by their prejudices, or so weak, as to fear popular commotions, that they will not grant us redress of our grievances, on any other terms; we ought to submit to providence, and wait, with patience, for better times, rather than shamefully disgrace ourselves, by submitting to humiliating condescensions, beneath the dignity of men, of Citizens, of Christians and Catholics.

D. I can not see this title in that light. We certainly are protesting against certain pernicious doctrines attributed to us: we belong to the great body of the Catholic Church: and we certainly dissent, or differ from the established Church: We are then *Protesting Catholic Dissenters*. We can not expect that the legislature will grant us relief on our own terms: if this name in our statute books should be substituted in the place of that odious appellation of *Papist*, where is the harm? After all, though the Committee have agreed to the appellation, it is not their own act and deed; they could not obtain relief on any other conditions.

C. Please to recollect that the Committee were not bound to seek relief; and therefore if it were not to be obtained, but on too hard conditions, the matter should have rested there. It is therefore strictly true that this title is their own; and, as I remarked before, they glory in the invention. But Sir, though
I grant

I grant we are protesting, yet I do not understand the addition of Dissenters. There is a great disparity between *differ* and *dissent*, in matters of religion. You may differ in opinion from one man, or from all the world: the word imports neither *priority* nor *majority*: but the word *dissent* implies both; you cannot then dissent from the established Church, as a Catholic. Every sect is a dissent from the Catholic Church: she dissents from no other Church; she cannot therefore adopt this title. How then can you, if you remain a Catholic? You have moreover a proof, from the Committee's letter to the Catholics, that they are leaning towards a separation from the Church, by dividing themselves from its members. You recollect that the probable efficacy of this title depends intirely on the supposition, that Protestant Catholic Dissenters are not of the same belief, with those persons, who are always distinguished by the stile and title of Papists, in our penal statutes.

D. True, Sir, Papists are those, who hold doctrines, against which, we protest. Doctrines inimical to Civil government, and who, of course, are not worthy of protection. The penal laws are enacted against such persons, and in my opinion very justly. I am quite of the opinion of our Committee, that the present oath will shew who are Papists, and who are not, and those who are, and dare avow themselves, let them meet their deserts, in the execution of the laws. I can see no harm in separating from
such

such persons, whom I consider as monsters in society.

C. This is harsh indeed. You consented to my proposal, that no asperity should be admitted in our conversation. I have often heard that language, but never without horror. I allow that the penal laws are enacted against persons called Papists. I allow also that Protestants, in general, misrepresent them, as holding doctrines inconsistent with the safety of the state. But I positively deny that the penal statutes were either enacted against such only, who avowed those doctrines, or on account of holding them. The statutes speak for themselves. They are against the doctrines of transubstantiation, invocation of saints and other articles of our creed. They are against Priests and Jesuits, against being reconciled to the Church of Rome, &c. &c. not a word, that I remember, of those supposed doctrines of reputed Papists. And although Protestants have generally supposed all Papists to be dangerous subjects, this idle supposition should be traced to its proper source, the venom and hatred, which the enemies of the Church have ever entertained against its members: and should be treated with the same contempt, as the slanders of the Pagans during the ten persecutions. Indeed, Sir, you must know well, that most of the doctrines against which we protest, never were the opinions of any number of Catholics in the world. Moreover the infallibility of the Pope and his indirect power, in some extraordinary cases, over their temporal authority, which
I think

I think, are the only doctrines that have been maintained, by those, whom you stile Papists, are no part of their religion: no more than the denial of these doctrines is a part of your own. Why then would you wish to separate from them? Did any one of them hold the rest of the doctrines abjured, by the oath, he would neither be Catholic nor Papist, even according to the new fashioned interpretation of the word. In fine, Sir, the penal statutes are enacted against those, who profess the Catholic religion, whether they do or do not hold any of the doctrines, which you protest against. The present oath is a bad criterion to discover those, whom you stile Papists; as, should it pass into a law, every one who refuses to take it, must of course be stigmatized as a Papist, though he should abjure every one of those doctrines, as sincerely and heartily as yourself. Now, Sir, I will venture to assert that a great majority of the Catholics in England will refuse to take this captious, equivocal oath. Though perhaps not one in a thousand maintains any of the doctrines abjured by it: and although no one Catholic should maintain any of the doctrines, which are, even constructively, contrary to the safety of the state. Thus, Sir, you wish to separate, not only from real Papists, as you call them, which I firmly believe do not exist, only in the brain of the Committee, but even from persons, who are as good subjects and *better* Catholics than yourself: you moreover wish to see the sword of persecution once more unsheathed against them; and by supporting

the present measures, as much as depends on you, you imbrue your hands in all the innocent blood, that may be shed on that account. I think, Sir, it would redound more to the credit of the Committee to abandon the cause, which must produce a division fatal to religion, if no worse comes of it, than obstinately to persevere in the measure, against the positive commands of the Bishops, and against the inclinations and wishes of so considerable a part of the body.

To sum up all this. We were happy and content: but if the Committee, on honourable terms, could have procured a *relaxation* or repeal of the laws, which, as yet, are in force against Catholics, we should have acknowledged our obligation; but I fear this new appellation is neither honourable nor safe. It should not then have been adopted, or submitted to. It can never serve as a criterion to discover real Papists; it is both a false title, and an useless, nay a pernicious expedient.

D. It is indeed hard for any conscientious persons to be involved in the disagreeable dilemma, of taking the oath against their consciences: or being reputed Papists for refusing it: but after all, it is their own faults. They signed the protestation; the Committee had every right to suppose, that they would swear to what they had signed. The Committee had drawn up an oath according to the tenor of the protest, with very few additions or alterations, these trivial in themselves and required by the heads
of

of administration: thus they were compelled to abide by the oath, or forfeit their credit as men of honour, by revoking their signatures to the protestation.

C. It is harder still that this dilemma should be the consequence of measures adopted and pursued by the Committee. Their own rules prescribed that nothing of any consequence, regarding the generality of Catholics, should be done, without the approbation of a previous general meeting. A petition from the North was presented to them, requesting that nothing, which concerned religion, should even be treated of, without the concurrence of the Vicars Apostolic. This drew a declaration from the noble chairman, at a subsequent meeting, that nothing of the kind had been, or would in future be done, without their consent and approbation. They have therefore infringed their own rules, have exceeded the limits of their delegated power, and broken their own promises: and thus have involved themselves and us in a very disagreeable situation. Either they must commit themselves to the Ministry, by abandoning the project, to satisfy those, who refuse to take the oath; or they must throw a great number of conscientious Catholics into the far worse dilemma just mentioned. I do not hesitate to say that the former is the more generous, and what, I think, they are strictly bound to. The protestation is no plea in their favour. From its internal evidence, and from the means made use of to bring it about, it is an in-

strument, which can never authorise the present proceedings, nor give sanction to the oath.

D. Why not? Sir. But this brings us to the second part according to the division we agreed upon: or rather the first part, as, thus far we have only been discussing preliminaries. If the oath does not differ from the protestation; how can we refuse it? As to the means you mention, I am not acquainted with any improper ones. The protest was framed by Protestants, they had offered their objections against our principles, in as much as they were supposed to be inimical to Civil government; they had also answered these objections, in terms, which they deemed satisfactory to government, and to the nation. This composition, entirely their own, was presented to the Committee; these Gentlemen, after some alterations, approved of it, presented it to the Clergy, in a numerous meeting, who all signed it; and it was afterwards signed, by all the Clergy and Gentry in the nation, with very few exceptions; if we recede from this, we shall really prove what Protestants object against us; that nothing will bind us, that we will not abide by any protestations or oaths whatsoever; for I see no difference between one and the other; I should make no scruple of swearing to any deed or instrument, to which I had signed my name.

C. Under favour, Sir, there was another tribunal to which this matter should have been referred, previous to the approbation of the Committee. The Bishops should have taken the lead. It belongs to their

their province to approve religious doctrines, or to abjure and renounce false ones. Then indeed the Committee would have had some plea for their subsequent proceedings: but they first gave their fiat, and then endeavoured to bar out alterations. However there is a great difference between an oath and a protestation.——

D. Under favour, Sir, you, in your turn, do not observe the bounds of moderation agreed on between us. What insinuations you throw out! What were those means and endeavours you speak of?

C. I suppose the Committee were convinced that the protest could and ought to be signed, but apprehending that some persons, from scruples, others from too much zeal for scholastic accuracy, would object against it; hence they made use of means, which they thought effectual, and which proved such, to elude every argument, and obtain the signatures of the meeting, without any alterations. These were as follows: Letters were sent to correspondents in the country to dispose the minds of the Clergy and Gentry; they were informed that the protest had been agreed to, by every one, objected to, by no one; and this, when *no one* knew that such a thing existed, except themselves, and a very few of their confidants. Then a meeting was called of a chosen few of the clergy, about twelve in number, at which the Secretary to the Committee presided. The best part of these gentlemen, already in the secret, being gained over, were to engage the rest, to espouse the good cause. Objections were
started

started against the wording of it; the answers were; that the protest was a bare abjuration of the pernicious doctrines, which protestants falsely imputed to us; that it was only a declaration of our civil allegiance, which had no connection with religious tenets, stated in the objections; and finally that no alteration would be admitted. Nothing of all this however could satisfy one of the characters present, till they agreed to sign an explanatory protest, in which they declared the sense, in which it was presented, in which themselves understood and signed it. As this explanation had done away the difficulties of those, who opposed the protestation, they all signed it, and by this, were bound to support it, in the general meeting of the Clergy held soon after. In this meeting, the same means were made use of, persons were employed to sound and persuade the leading characters, who invariably asserted that no oath would be exacted, that no alteration would be suffered.

The meeting was then opened by the right reverend President. The Secretary of the Committee read the consultations of the universities, which were foreign to the purpose, not one of their answers having any reference to what was objected against the protest. Then a sort of explication was read which was considered, by many, as introduced to intimidate, and enforce the Gentlemen to subscribe.

Several however did object, not against the general tenor of the protest; but, against the wording
of

of it; not against renouncing any doctrine, considered as pernicious, or inimical to civil government, but against the terms in which they were abjured. They thought that the abjuration of those doctrines was done in such loose, inaccurate, ambiguous and equivocal terms, that sound doctrines, as well as pernicious were equally rejected, that truth as well as falsehood were equally renounced, or might constructively be abjured and rejected, according to the plain, common and natural sense of the words of the protestation. Then again the usual answers. None of the abettors of the protest pretended to call in question the principles of religion, which the opposers of it held forth as injured, by it; but they contended, that the protest went no farther than to secure our civil allegiance, by renouncing the doctrines, which were considered as inconsistent with the rights of government, that the preamble declared it such, that the meaning of the framers of it was such; and finally that no alteration would be admitted. A third declaration, from the Chair, *that we were not called together to examine and discuss, but to sign*, put an end to the debate; and all present signed it on that day, or the next; and soon after great part of the Clergy and Laity in the nation followed the example, by signing themselves, or *some one signing for them*. I have heard and read of such proceedings among Arians, Iconoclasts, Jansenists, &c. but never among Catholics.

D. I do not see how you can complain of the Committee. They are not answerable for what
others

others may do. They intended an open meeting, a free and candid discussion of the matter; if this was hindered, by the President, he is to blame; but after all, how came you to let yourselves be drawn in, if you disapproved of the measure? you should have stood out like men. You signed however and are bound by your signatures. If you retract, you fall under the just censure of Protestants; cast an odium on the tenets of your religion, and hinder the Catholics from emancipating themselves from the pressure of the penal laws.

C. I do not indeed think, that all the members of the Committee were engaged in these measures: I think that several knew nothing of them. But surely some of them suggested these measures to persons whom they thought proper to conduct them: The fact is, they were practised. The character of the President renders this beyond a doubt, that he never would have proceeded in the manner he did, if he had not been tampered with. In this case the person, who drew him into the snare, is more to blame than himself.

As to the rest standing out; I own they were to blame in giving a sanction to what might be made an ill use of. But swayed as they were, by such an appearance of candour, on the one hand, such plausible explications, and positive asseverations of the meaning of the protest, on the other; then again the great authority which awed them, it is no wonder that they fell into the snare, They had no suspicions of intrigue or deceit, and honestly thought themselves

themselves authorised to sign a declaration of their principles, in a modified sense, as they thought; but which was the real sense of the protest, according to the abettors of it, notwithstanding they allowed that it was loosely and inaccurately worded. It was, on all hands, agreed, that the principles of religion should remain untouched, and that the doctrines, abjured in the protest, were pernicious, except the infallibility of the Pope, which we shall examine hereafter: it was also agreed, by the abettors of the protest, that the sense in which the opposers signed, was the only sense in which they themselves could conscientiously set their names to it. These methods have often succeeded, in other occasions; and once were employed with success against a Council of about 300 Bishops. I dare not even think that the same malevolent intention guided the promoters of the protest; but it seems to have had the same effect, thus far, and shews how we ought to guard against every species of novelty, even in using new words to express our ideas, in matters of religious import. This I will venture to assert, that, if the matter had been fairly and candidly discussed, the protest would never have passed without several alterations, to render it both clear and accurate, for as it stands, it is neither one nor the other. In the present stage of the business, it seems that we are pledged to take the oath, by having signed the protest. This is certainly a mistake; for it is well known, that several have retracted their signatures; on account of the ill use that has been made of them, and because they are

C

apprehensive

apprehensive that the sense, in which they signed, is not the plain and obvious sense of the words, as they were told it was. These cannot take the oath. But even those who have not retracted their signatures, can not be bound to take the oath. For, as I said, there is a great difference.——

D. Previous to that discussion, pray reflect on the difficulties and danger of supporting that doctrine. How will Protestants ever give credit even to our oaths, if we retract our signatures so solemnly pledged? What can they think of our principles and our practice? How can we hope for redress of our grievances, if we confirm them, in one of the worst of their prejudices against us, that no oaths can bind us. First answer this, and then I will attend to your proceeding with what you have twice attempted, excuse the interruption.

C. If Protestants are candid, they will applaud us, and condemn you. They will see that we retract, not because we think our oaths or promises do not bind us, but because we fear that we have rashly, though honestly signed an instrument, which we ought not to have signed. Not that we approve of any of the pernicious doctrines abjured in the protest; but because we fear lest the loose and captious terms, in which they are abjured, should, either by implication or directly involve the principles of religion. They must then approve of our conduct. But they will see that undue influence has been used to procure subscriptions, and the suspicion will fall heavy on the Committee and their abettors, they will naturally

naturally infer that such persons are ready to swallow any oaths, to get indulgences, acquire the rights of citizens, &c. At all events, they must condemn you for supporting and pursuing measures, which are so seriously condemned as hostile to religion, by so considerable a part of the Catholic body*.

D. It can not be supposed that Protestants will condemn us for standing to our signatures. But let me hear what difference you find between an oath and a protestation.

C. They differ widely. I may sign my name to a protestation, *as an opinion*. But I can not swear to an opinion. In a protestation I may pass over trivial inaccuracies of the framer; in an oath, I must have the nicest accuracy, ~~in the wording of it~~. In a protestation I may admit an accommodated mode of expression, especially if it is the declared sense of the author; in an oath, this would be perjury, if we swear to the plain, natural and obvious sense of the words. For an accommodated sense, is certainly an exposition foreign to the natural import of the terms. The preamble may fix the sense of a protest, but can not fix that of an oath.

* Was St. Austin wrong for writing his Retractions? Were the Fathers of Ariminum in the wrong, when they retracted their signatures, by which they had been tricked into Arianism, contrary to their intention? Was the great Fenelon a prevaricator because he retracted his writings, when he found they had been condemned, by the Apostolic See? The old Latin proverb should be remembered: *Humanum est errare, sed diabolicum est perseverare.*

D. If this is true, how many are perjured?

C. It would go beyond the limits of our plan to treat this subject at large. Please to refresh your memory with your former ideas on the constant doctrine of the Church, in her approved divines, and I believe you will find that justice, judgment and truth, which have ever been thought necessary conditions of a lawful oath, will go to prove the conditions I require: moreover an oath stands upon its own ground, without any reference to a preamble, or to any accommodated sense of the proposer; and therefore no preamble can affect the intrinsic merits of it; and where the strict and natural sense of the words is sworn to, any accommodated sense, unless it were known and agreed to, would be a mental restriction; which is not justifiable in any oath whatsoever.

D. As this is only a conversation, on amicable terms, between us, I wish not to push this matter any further, at present; we may both find it worth our while to look over the treatise *De juramento*, in some approved Divine, and have another discourse on the subject, on some future occasion. I think we may here leave the subject of the protestation; as to its intrinsic merits, we shall occasionally advert to them, when we come to discuss the oath. Let us therefore pass to the second article, of our proposed plan; the right of the Bishops to censure the oath, *in globo*, without assigning any reason for so doing; we have a right to know their reasons, and they are bound to give them, in a *tone of sobriety*. I say rather
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ther they had no right at all to *interfere*, as the oath is a mere civil test of allegiance, no ways connected with religion: and therefore by no means subjected to the jurisdiction of the Bishops.

C. Indeed, Sir, this is strange language, and which I never expected to have heard from any one, who pretends to be a Catholic. I always understood, by the article of my creed, *the holy Catholic Church*, that the Bishops are constituted and appointed, as our fathers in religion, to instruct, govern and direct us, in the paths of faith and virtue, and that we are bound to hear and obey them in matters appertaining to their charge. It was therefore the duty of the Bishops to consider whether the oath left the rights of religion untouched; on this they met, and decided in the negative. It was then the duty of their flock to submit; at least till their sentence should be reversed, by a superior tribunal: but it appears that you Gentlemen Dissenters do not wish to appeal to Rome; but to the Catholics of England.

D. Supposing that right in the Bishops, they are bound to give their reasons. They are our fathers, but not our masters; they are appointed to *feed us*, as the Greek text has it, but they are not authorised to domineer over us; much less to *fleece or butcher us*. We are not bound to blind obedience; and therefore we insist on knowing what harm the oath will do to religion; this they will not, dare not, or can not tell us. We complain of this: and appeal to our fellow Catholics, by explaining our conduct and our motives, that they may all see how injuriously

ously we are treated. I say, *we*, for I most heartily approve of the Committee's letter. We shall not appeal to ultramontane principles, for the decision of a cause, to which we think ourselves perfectly competent.

C. I grant that Bishops are fathers, not tyrants, that they are appointed to feed us, if you will, for I can see no difference; how can they feed us, unless we are bound to obey? You seem to allow a sort of obedience, but will not submit blindly. So far I agree. But pray who is to decide between a Bishop and his flock? According to the original appointment of Bishops, they are the guardians of religion, they are to guide their flocks into salutary pastures, and point out the poisonous weeds, which they occasionally meet with; thus far is their duty; the manner how they are to perform it, is left to their discretion. They are not to exercise a haughty and imperious command over their subjects; but this ought never to be supposed, much less urged against them, without manifest reasons, which admit of no doubt. They are answerable to God for their conduct; but not to their flocks. It is true we are not bound to blind obedience; i. e. to submit against the dictates of reason: but where shall we fix the limits? If we are always to insist upon their giving reasons for their conduct, we shall soon do away their authority: If we are to be the judges of their proceedings, then we are their superiors. An appeal from them to the public at large, in that case, would be legal and proper. But I dare assert that there never
has

has been a schism in the Church, no resistance ever happened to episcopal authority, which would not be justifiable on the same grounds. Let the abettors of any schismatical division only appeal from the authority of Bishops to the public, or rather to their own judgment, and then the episcopal authority will be subjected to the private judgment of every capricious innovator. Pray, Sir, what has the reformation done more?

In one word. The Bishops, though superiors, have no right to exact unlimited and blind obedience. But neither have their flocks an unlimited right to examine and decide on the exercise of their authority. Now, by your leave, Sir, I will point out the land mark, which was originally fixed, and firmly established, by the great founder of our religion, and which has ever been acknowledged, by all true Catholics from the first foundation of Christianity. Every Bishop is a competent judge of controversy to his flock, and they are bound to submit to his decision, in every case, whatsoever, unless, 1st. his decision is evidently wrong; or 2d. unless his sentence should be reversed, by a superior court; and to this court, you frankly own, you dare not appeal.

D. Were I to close with you on your own terms, I should still have good grounds to assert that the Bishops are in the wrong, and therefore we are not obliged to submit to their decision. I apprehend that even yourself, Sir, will require two conditions, in the sentence emanent from Episcopal authority, without which, it will never have the force of law:
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the 1st. that the Bishops shall proceed with calmness and deliberation, and not pronounce finally, till they have duly weighed and properly discussed the subject in debate: the 2d. that the matter itself shall be subjected to their authority, and not purely of a temporal nature; for otherwise, any sentence of Bishops would be out of the province of their jurisdiction; and of no force whatever: now, Sir, as to the first condition; it is very well known "that the Bishops, on their arrival in London, were visibly
 "prepossessed, they did not consult any individual
 "in London, and proceeded without the least deliberation or discussion to censure indiscriminately
 "the bill, the protestation and the oath; whereas,
 "in strict justice, nothing ought to have been the
 "subject of their deliberations, but that part of the
 "oath, which differs from the protestation." As to the second condition, I shall beg leave to observe, that, as the oath is barely a test of Civil allegiance, that, religion is no ways concerned in it, only in as much as we are called upon to abjure those pernicious tenets, which our adversaries have falsely attributed to our religion, it does not appertain to the jurisdiction of the Bishops: and therefore their censure is null and void, for want of competency in the judges; even if they had proceeded with that calmness and deliberation, which becomes their dignity, and which, I observed, they did not.

C. I admit your two conditions; but you will please to observe, that there are certain degrees of deliberation and discussion, *not all*, equally necessary in every controversy. Sometimes the question
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is obscure and perplexed; on other occasions it is clear and obvious: The Bishops, therefore, are to proceed with calmness, and that necessary discussion which the matter requires: and here again they only are competent to judge, when they have taken the necessary steps for information. Every innovator, the most daring heretic, from the same principle, might call in question the decisions of every Bishop, and every general Council from the origin of Christianity, till this day: he has only to say that they did not proceed with all the caution necessary on the occasion, and therefore the decision is informal; whether given by four Vicars Apostolic, or by five hundred Bishops in a general Council. This, you see, is a method of setting aside their authority, as effectual as any that has ever been attempted, by any heretic that ever existed.

You say the Bishops were visibly prepossessed; I believe they were; this again is an objection which Luther might equally have urged against the Council of Trent, the Iconoclasts against the second of Nice, and Arius against the first, &c. The Bishops are jealous of the rights of religion; are ever watchful over the sacred depositum committed to their care, and as they are commanded to deliver it to after generations, without spot or blemish, as they had received it from their fathers, they start at the least innovation. Should they afterwards proceed to censure, they must be prepossessed with the impressions of truth against error and novelty. But they consulted no one in London? Really, Sir, this is not quite the truth. But I suppose you mean

D

that

that they consulted none of the Committee, or of their friends. Indeed I see no necessity they had to consult any one on this side of the question. They had already received all the information they had any right to expect from that quarter. They had a book in folio to instruct them, and a positive assurance that not one tittle of the oath would be suffered to be altered; as if the same measures were again to succeed, as had been practised with regard to the protestation. The Bishops, however, by this time, found they had been drawn into a snare, and therefore were resolved that their signature of the protest should be no hindrance to the sentence they determined to pass upon the oath. They had previously had the opinions of some of the best Divines of their respective districts, and moreover took the advice of those, even in London, whom they thought they could trust, and then proceeded to condemn, not, as you say, the Bill, the Protestation, and the Oath; but the oath only; and some restrictive clauses of the bill, by which we were placed in a worse condition, than before, and to which, they thought, we ought not to submit.

The case therefore appearing clear, they had every degree of information necessary; and therefore their decision was regular and legal. Our submission must follow of course, unless this sentence is reversed, by a higher court, which, I fancy, you will never solicit, and should you, it would not be granted. I shall now proceed to examine the right of interference in the Bishops.

I own

I own I am perfectly astonished that such a plea should ever be made. I once more return to my retortion. This plea would equally serve to support every error that ever existed.

The author and promoter of every heresy might say, and has always said, that the interference of Bishops is illegal, that they mean not to infringe on the rights of religion, that they support no doctrines contrary to faith, &c. Let the oath of supremacy itself be proposed as a test of Civil allegiance, why could not this be equally taken, on the same grounds? At all events, that oath might go down, by means of an explication. We need only be told that the Committee have consulted persons of the first rate abilities, who have long been exercised in constitutional disquisitions, from whom the people of England receive their notions, both of names and things; that these great men do not understand the oath of supremacy, as subversive of the Pope's jurisdiction, in as much as it is purely spiritual; but only so far as it is coercive, and to be enforced, by means of a temporal nature: if then is added, that government and the public are those who are to be satisfied, that they insist on this oath, and will accept of no other, then, I say, we have summed up the best reasons for the present oath; and which are equally strong in favour of that of supremacy, in similar circumstances.

May not government require, as a test of our Civil allegiance, that we renounce transubstantiation, or any other article of our creed? You

might equally swallow that, and pretend that you only reject it so far, as it is inimical to Civil government, viz. none at all; to what absurdities would these principles lead us? A test of civil allegiance! why then are religious topics introduced? A mere test of allegiance has nothing to do with religion. We are ready to swear allegiance to his Majesty, in as full and ample a manner, as any government in the world has a right to exact it, from a subject of any denomination. But we must renounce certain opinions inimical to civil government? or they cannot trust, even to our oaths? What absurdity! If they will not believe our actions, they would not believe, though even one was to rise from the dead, to assure them of our fidelity. If they suppose that no oaths can bind us; how can this one? If we can get dispensations for oaths, or evade their force, by mental restrictions; why have we not done so with those oaths, which have all along been exacted by government? Why have we, for two hundred years, suffered disabilities, fines, imprisonment, and death itself; when a dispensation, or mental restriction would have set us on a level with our fellow subjects? or were those our real principles, could we not equally follow them, in the present question? we certainly should follow them, and take the oath without further examination, and then get over it, either by a mental restriction or dispensation. But after all we are ready to satisfy them, and renounce those principles, which are any ways repugnant to the duties of civil and social life. Yet we are told
that

that this is to be done, in terms prescribed, by men in power, and that they must be satisfied. An oath is therefore framed for the purpose, which equally rejects truth with falsehood, sound doctrines with error.

D. Hold, Sir, this is too much. Were that the case, I should not attempt to defend it. The oath of supremacy, and others you have hinted at, cannot be taken by a Catholic, as they reject the principles of our faith. But the present oath is a mere test of civil allegiance, and no ways affects the rights of religion. Although "this oath has been before government and the nation for above a year, yet no one has ever been able to point out a single deviation from the rules of faith or morality." It is therefore only a test of civil allegiance, and the Bishops had no right to interfere.

C. Sir, a bare assertion is no proof. However, you must grant that if this oath does contain any thing contrary to sound doctrine, then it cannot be taken: therefore the question finally rests on the intrinsic merits of the oath: the oath then must be examined; by whom? once more I assert, it belongs to the Bishops to examine, whether an oath contains any thing contrary to religion: they have done this, and condemned it. Shall we adhere to our Pastors, or to the Committee? The Bishops say, children take not that oath; it contains a poison, which will contaminate your souls. The Committee says, Gentlemen, do not mind your Bishops, the oath is only a test of allegiance. Their
proof

proof of this is, the C—— the M—— &c. understand it only in that sense. Is this the way that Christians used formerly to reason on the tenets of their religion? Did they go to the Emperors or their ministers, to be informed what was sound doctrine, and what was not?

But no one has ever been able to point out wherein it deviates from faith or morality? Indeed, Sir, several propositions have been pointed out, which, without doubt, express doctrines contrary to the principles of our religion, either directly, or by just and necessary inference, the only answer that has ever been given is, in effect, that the oath does not mean what it says. But, if you please, we will now examine the oath itself: for after all your preliminaries and assertions, your cause must be decided by the intrinsic merits of the oath.

D. I own that the question must be finally determined, by the oath itself. I have heard some difficulties, but none of any consequence. They were all grounded either in an apprehension of being trapped into error; or too strong an adhesion to scholastic nicety. However I am willing to discuss the oath itself: and wish you to state your difficulties against it, from beginning to end; that we may leave nothing unexamined which can be objected against it.

C. I shall then begin with the clause, in the oath, by which we swear to maintain, support and defend the succession in the protestant line exclusively. What right has any government on earth to exact

exact such a clause in an oath of allegiance? so completely foreign to the purpose of such an oath? I could write a treatise against it; but shall only remark for the present, that, if government required it, we might as well swear to maintain, support and defend all the penal laws, which stand in our statute books, to the scandal of an enlightened age, and the disgrace of a nation, which boasts of its freedom. In this supposition, should the nation at large, with its King at their head, be reconciled to the Catholic Church, by virtue of this curious oath, I am bound to fight, till death, against the King and the nation, because they have jointly come over to my religion! Nay even, though no one in the nation, should turn to the Catholic religion; should the descendants of Sophia, Duchess of Hanover, at any future period, forfeit their right to the crown, and another family be placed on the throne, I should equally be bound, by this oath, to enlist under the banners of Don Quixote, and encounter every windmill or flock of sheep, which should declare in favour of the new King, against the family of Brunswick.

D. Indeed, Sir, these suppositions are too ludicrous to deserve a serious answer. However, suppose the cases proposed, this law would be reversed by the nation, and therefore this oath would no longer be binding. But, Sir, "this is the oath of
 " abjuration taken by all the King's subjects, and
 " which for the sake of uniformity, the present
 " government insists on being tendered equally to
 Catholics,

" Catholics, as to every other description of men.
 " The Catholics have in fact already taken it; and
 " the Crown lawyers have determined that the oath of
 " 1778 involves every consequence of the common
 " oath of allegiance and abjuration. Whoever op-
 " poses the act of settlement incurs a premunire, if
 " in discourse; high treason, if in writing or action.
 " By recognizing his present Majesty, and his suc-
 " cessors, to be lawful kings of this realm, their title
 " to the throne is equally recognized; and that title
 " is grounded solely on the act of settlement."

C. These are knock down arguments, with a wit-
 ness. It is high treason to oppose the act of settle-
 ment; therefore I am obliged in conscience to swear
 to maintain, support and defend it: I have sworn to
 support the succession in his Majesty's family;
 therefore I have sworn to oppose any of his Maje-
 sty's successors, should they come over to my faith:
 I have sworn to depose even his Majesty now on
 the throne, should he become a Catholic! This is a
 deposing power, which I swear to support and de-
 fend; and this power is to be exercised, for no other
 reason, than a conscientious practice of that religion,
 which I believe to be the only true one: in one
 part I swear against the deposing power, here I
 swear to maintain, support and defend it. But, the
 Crown lawyers have defined and decided the que-
 stion; so I am bound, by oath, to every consequence,
 which their learned heads can draw from an oath,
 by wresting it, from its plain and obvious sense! I
 shall endeavour to prove, that this oath destroys the
 boasted

boasted *omnipotence* of Parliament: this is a consequence which the Crown Lawyers probably have not attended to, but to which I equally swear as to the other. For, Sir, by virtue of this oath, the reigning family is as firmly established on the throne, as if it were appointed, by God himself, or had an hereditary right altogether indefeasible: and therefore the Parliament, even with the consent of the nation at large, can never alter the succession, in any given case whatsoever: You say indeed, in the cases referred to before, that this law would be reversed. But, Sir, the person who should propose the repeal of the act of settlement would be perjured, he who seconds it would be perjured, every man in the nation that assents to it would equally be perjured; and even every one who does not use his utmost endeavours to prevent the repeal would incur the guilt of perjury: I may then truly say, that, this act can never be repealed, while this oath stands; as it cannot be repealed without stigmatizing a whole nation with the guilt of perjury. I think this oath is a flat contradiction to the very fundamental principles of our happy constitution: Let the act of settlement remain till Parliament and the nation think proper to repeal it, but let no man be bound to swear to maintain, support and defend it to the utmost of his power; for this is evidently overturning the constitution, as settled, by that very act.

I beg leave to observe, that the omnipotence of Parliament has its bounds: there is another court,

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before

before which the members of the British senate must one day appear; they will then know whether they had a right to deprive a man of his Crown, his estate or his life on account of his religion. Till then I shall neither oppose nor write against the act of settlement; but I can not, in honour and conscience, as an Englishman, who admires the constitution of his country, I can not swear to maintain, support and defend it, to the utmost of my power: for at some future period, the wisdom of the nation may think proper to alter it; it may, for any thing we know, be necessary to alter it, and this can never be effected, while this oath stands. I hope, Sir, you will not say that Parliament can dispense with the obligation of this oath. Will you please to drop this subject, as it is of too delicate a nature to be treated with freedom.

D. With all my heart. What then is the next clause you object to? I hope you are not so narrow-minded as to cavil at the word *heretical*. "No
 " Catholic hesitates, to call the deposing and king-
 " killing doctrines antichristian, contrary to the
 " word of God and the tradition of the fathers: ma-
 " terially heretical in one part, and both materially
 " and formally heretical in the other. Besides this
 " is the oath of the kingdom, and if Catholics wish
 " to share in the privileges of citizens, they must
 " bind themselves by the same ties, with their
 " fellow subjects."

C. Indeed, Sir, I do make so very serious an objection against that word, that, although every other
 difficulty

difficulty should be removed, I would not take the oath. For that doctrine, however false, erroneous or whatever else it be called, is not heretical. Heresy has always been defined an error in articles of faith; you know well, that nothing can be an article of faith, unless 1, it be a revealed doctrine, and 2, unless it be proposed, by the Church, to be believed as such. I hope you will not pretend that the opposite doctrine to the deposing tenet is proposed by the Church, to be believed as revealed. Then the contrary doctrine is not heretical.

Your observation of material heresy is not just. For what is only materially heretical, is not properly heretical in the plain and obvious sense of the word, to which we swear. Hence, swearing that you believe that doctrine to be heretical, is perjury, unless you restrain the term from its plain and obvious meaning, to an improper sense: and this is a mental restriction, contrary to the sense of the oath, which the illiterate multitude do not understand, and which those, who framed, or those, who tender the oath, have never thought of.

D. But, Sir, although it is not strictly heretical in a Catholic sense, it is heretical, as Protestants understand it; and this is quite sufficient for me to swear it; as I must take the oath, in that sense, in which it is proposed. Now, Sir, that doctrine is heretical, in their sense of the term, which is contrary to the word of God: I hope, you will allow this doctrine to be contrary to the word of God: it is then heretical.

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C. So

C. So then, for the same reason, I might equally swear that the contrary doctrine is an article of faith. What! because Protestants have given a wrong explication of the term, I may swear to it, without explication or qualification? Indeed, Sir, if Protestants ever are informed of these principles, I fear they will think that you make very light of oaths. You will, however, please to remember the argument of John Almond, *alias* Lathome, urged against Dr. King Bishop of London, recorded in the Memoirs of Missionary Priests, by which he silenced the Bishop, and proved, beyond a reply, that the deposing doctrine is not heretical, even in the protestant sense of the word: his argument was this: "No position, *on your grounds*, can be heretical, unless it be *expressly* censured for heretical, by the word of God, or the contradictory *expressly* contained in the word of God; but this position (the deposing doctrine) is not *expressly* censured for heretical, by the word of God; nor is the contradictory *expressly* contained in the word of God: *ergo* it is not heretical." This was his argument, it is now mine. Should you ask, with the Bishop, *you would have it censured in express words?* I answer, with the martyr, "You are bound to bring a censure in express words; which because I see you can not, answer this consequence; this position is not set down at all in the bible: *ergo* it can not be censured, by the bible." The only answer the Bishop made was, *that Almond was a proud arrogant Jack*. This, Sir, you must know is an unanswerable

swerable argument, in protestant principles; which cannot admit of an article of faith, without express warrant from scripture. In a word, the deposing doctrine is not properly heretical, either in the Catholic or the Protestant acceptation of the term: therefore this oath can not lawfully be taken, either by Catholics or Protestants.

To what you add, that this is the oath of the kingdom, &c. I shall only say, that the same political motives would equally prove the lawfulness of the oath of supremacy, or any other, which disgrace our statute books, to the eternal shame of an enlightened age.

D. I do not see any sense in this logical acuteness; too close an adhesion to scholastic accuracy, is very ill timed: we may sometimes over-shoot the mark, by too great nicety: I think it is a pity that such cavils should hinder our emancipation from the pressure of the penal laws. Suppose the word heretical were not exactly accurate, as it is only inserted for a strong mark of aversion to such doctrines, I do not see why we may not be authorized to admit of it.

C. Indeed, Sir, this doctrine will not do, when we swear to the plain and ordinary sense of the words. I suppose you remember, that the task of qualifying bad doctrines, by proper epithets, is perhaps one of the hardest, in dogmatical theology. There are doctrines, which, though not heretical, are nevertheless, *nearly heretical, suspected of heresy*; others, though not schismatical, are *leading to schism*;

schism; others again *erroneous, suspicious, scandalous, rash, offensive of pious ears, &c. &c.* It is, I say, a very difficult matter to fix the precise qualification to every proposition: but where the qualification is evidently wrong, which is really the case, in our present debate, no Catholic can, in conscience, subscribe to it; for that defect falsifies the whole proposition. For although it be true, that the deposing doctrine is *false, erroneous, seditious*, and perhaps *impious*, in as much as it is a violation of our duty to Kings, commanded, by the fourth precept of the law, yet it is most certainly not heretical. As for the word damnable, I do not see what precise sense it bears, and therefore would have it expunged as useless.

I shall finish my observations on this head, with a remark on the ungenerous treatment we are forced to submit to, from our protestant brethren, in this particular.——

It is a known fact, that the Popes have never yet attempted to dethrone Princes, who were born and bred up Protestants, but such only as were Catholics, and excommunicated for their crimes, real or supposed, or invasion of the rights of the Church: It is also a notorious lamentable fact, that most of the principal reformers preached and practised, when in their power, the deposing doctrine of Catholic princes, whenever they opposed the preaching of the word of God, as they termed it. The expulsion of the Queen of Scots, by her rebellious subjects, and the subsequent murder of that independent sovereign Princess,

Princes, by Queen Elizabeth, are an indelible disgrace to Great Britain. However, we are still to be abused and reviled, for teaching the king-killing doctrine, which we have ever abhorred, and the deposing doctrine, which never was a principle of our religion, and which we are all ready to abjure, in any terms, which do not imply a falsehood.

You will please to reflect, Sir, that this very act, by which Catholics are permitted to enjoy some few only of the inalienable rights of man, enforces this very doctrine of deposing kings, by declaring a Catholic to be deprived of the right to the crown. Protestants, who have preached and practised these doctrines, are willing to grant a legal exercise of our religion, which they are ashamed to refuse, yet still confined under such legal restrictions, as are never elsewhere established; and all this on condition that we shall be compelled to abjure and renounce as *heretical* a doctrine, which was the universal doctrine of the first reformers, without which the reformation had never been propagated, and which is supported and confirmed, by this very act! Sure, Sir, this is an indignity to which I hope you will not submit. It is most certainly a disgrace to Protestants, to propose it. If you please, we will pass to the next clause in the oath.

D. Agreed. I suppose it is that about the Pope's authority. But Catholics are not called upon to explain, how far the authority of the Pope really extends. "They are only required to say that it
" does not affect the constitution, nor the *legal* esta-
" blishment

" blishment of the Church, nor the rights of the
 " subject; all temporal concerns undoubtedly; and
 " when by a negative oath Catholics have disclaim-
 " ed any temporal interference, they are left at full
 " liberty to believe and practise whatever their con-
 " sciences may tell them to be conformable to the
 " revelation of Christ, or the decrees of the Church."
 I hope you do not allow of any power or right in
 the Pope to interfere in temporals.——

C. Indeed, Sir, I am as willing as yourself to ab-
 jure the Pope's right of interference in concerns of
 a temporal nature; but the oath, as it stands, either
 directly, or by just and necessary consequences, ab-
 jures also his spiritual jurisdiction, in some cases, to
 which it has always been believed to extend. I will
 point out the particular difficulty, in this paragraph,
 and then we will examine it calmly and candidly.

I abjure, with you, all right of interference which
 can directly or indirectly affect the independence,
 sovereignty or constitution of this kingdom, or with
 the civil government thereof; or with the tempo-
 ral rights, or civil liberty or property of the subject.
 But as to the *laws* of the nation, the *ecclesiastical*
government, as by law established, and the *persons* of
 the subjects of these realms, I think no Catholic can
 swear away the right of the Pope's interference,
 without abjuring the Catholic doctrine of his prima-
 cy. Now, Sir, if you please we will discuss these
 articles separately, for the sake of perspicuity.

First, then, as to the laws: I was once of opinion
 that this might be admitted, if the strict definition
 of

of law were attended to: because a necessary condition of a law is that it shall be just and lawful, I thought that the sanguinary penal laws, as also every other statute, in this kingdom, if repugnant to the laws of God or the Church, would not be comprehended under that name. And, as I do not allow any right of interference with the just laws of any nation, it appeared that the laws in England could not be subjected to any sort of controul of the Pope. But the nation at large would certainly understand every act of parliament as comprehended under the name of law; and therefore to abjure the right of interference, in the Pope, in this unlimited manner, would be abjuring his spiritual supremacy and jurisdiction, which he holds from God alone. For, in virtue of his primacy, he is bound to watch over the laws of God and the Church, and to enforce the observance of both, by commands, censures and other spiritual means: and of course, to command the non-observance of the laws of any kingdom, when such laws are contrary to those of God and the Church. In England, not to mention other matters, several impediments of matrimony are done away, by the laws of the realm. Should then Catholics marry, under any of these disabilities, which have not the same effect, by the laws of the land; the Pope, in virtue of his primacy, has an undoubted right to command a separation, to enforce his commands, by ecclesiastical censures.

Now, Sir, I apprehend this is to interfere in the laws of the land, at least in an indirect manner. To

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recall

recall or abrogate the laws, would be a direct interference; to command, or bind the conscience to the non-observance of the laws, would be interfering indirectly.

D. I agree to your division of the subject. Now to what you have advanced on the right of interference in the laws of the land, I have only to remark, that the difficulty evidently originates in misconception. The legal meaning and force of the terms are chiefly to be considered. Words, in every language, may alter their prior signification, and carry a different import. "The lawyers and those whose lives are spent in attending to great legislative questions . . . from whom the people of England are in the habit of deriving their notions both of words and things." Such men, I say, are the best qualified to ascertain the precise meaning and import of the oath. Now our Committee assures us that they have not met a single person of this description, who does not understand and reason on the expression, in question, in the same manner as they do: that is, that the oath only abjures an interference of a coercive nature: they say, that they only intend to deny the right "to legislate in temporal concerns; or to enforce his (the Pope's) spiritual legislation, by a coercion of a temporal nature." Surely you will not allow any such power in the Pope.

C. I allow of no temporal power in the primacy; whatever territorial jurisdiction he may have, from grants of sovereign Princes, or otherwise, in as much

as such authority is given, by men as to a Prince, not, by Jesus Christ as to a Bishop and Primate of the Church, it must necessarily be confined to his own dominions; out of which he has no temporal authority whatsoever. But, Sir, in virtue of his spiritual authority, he is bound to watch over the laws of God and the Church, and to enforce the observance of them, any temporal laws or constitutions to the contrary notwithstanding. Whenever then the laws of a kingdom, are contrary to the laws of God or the Church, as was always and still is the case, where the Catholic is not the established religion, the Pope, by virtue of his spiritual authority, is bound to exert the power of the Keys committed to him, by commanding the non-observance of such temporal laws: and should the Pastors be remiss in watching over the execution of such his commands, he has an undoubted right to compel them to obedience, by censures of excommunication, suspension or interdict as he judges necessary. It were trifling with the plain and ordinary sense of words to say, that this is not the interference meant, by the oath. This oath expressly abjures every right of interference, direct or indirect in the laws of the land: I cannot conceive how a command to violate the laws, or censure against any one for not violating them, can be said not to interfere, at least indirectly. There is not a dictionary extant that will authorise the supposition. The Committee's appeal to the lawyers, &c. is foreign to the purpose; it is not to any new-exposi-

tion or import of the words, nor to any learned interpretation of them, that we are called to swear, but to the plain obvious and *ordinary* sense; which of course, ought to be as well understood, by every man of sound judgment in the nation, as by the Lord Chancellor himself. I beg leave, Sir, to assert, from the Committee's Letter to the Bishops, that a *command* or *censure* is an *interference*: *My Lords*, they say, "to this imprudent *interference* of Paul the Vth, "English Catholics may ascribe, in a great measure, all the odium, and all the oppression under "which they have since groaned." Paul the Vth, then really did interfere; the Committee *ibid.* will tell you how; *he fulminated a condemnation of this political oath*: meaning the oath of James I. *he declared it inconsistent with faith, and hostile to salvation*, and enjoined the English Catholics not to take it, as they say in their *appeal from the censure of the Bishops to the Catholics of England*. A command, a prohibition, a censure are therefore an interference, even as the Committee understand the term: but they allow a right of commanding, &c. in the last mentioned letter, : page 6. "If one "province of a kingdom, were, without justice or "reason to rebel against the state . . . if one state "were to exercise undue sovereignty over another "—if the constitution of a state were essentially "wicked—if the government of a state were to be "tyrannical and unjust, &c. are not these as much "sins in the eye of God, as they are crimes in the "eye of man? As such, are they not subject to the
spiritual

" spiritual power of the Church, to her teaching, " preaching, and censuring." In this passage they only mention the Church, but from their manner of reasoning, in the fifth page, they evidently suppose this same right in the Pope: he then has a right to issue his commands, prohibitions and censures; but, as you have seen, from the letter to the Bishops, commands, or prohibitions and *a fortiori* censures are a real interference. He has then an undoubted right to interfere in the laws, when they are contrary to the laws of God or the Church.

I own I was rather surpris'd at reading the last quoted passage; it gives a power to the Church, or the Pope, which supposes a right of inspection over the political constitution, the right of sovereignty, or resistance; for without such a right, how can he pronounce, in any of the cases above mentioned. I rather think this was an unguarded concession, as a few lines below we find the following words: " that the Church has no jurisdiction or authority, " that can directly or indirectly, affect or interfere " with the civil independence, sovereignty, constitution or government of a sovereign state is " acknowledged, by our best writers." He has no right to interfere in the Civil independence, or sovereignty of a state; yet he may pronounce against the independence of any part of an empire, should it unjustly rebel. He has no right to interfere in the constitution, but he may pronounce it essentially wicked: he has no right to interfere in the government of a state, but he may declare it tyrannical
and

and unjust. What can all this mean? I fear we must go to the C—— to understand it. The Committee here grants a power to the Pope, which very few Pontiffs have ever assumed. The Pope did not attempt to decide whether Great Britain was tyrannical, or America unjust in rebelling. The present Pope indeed has written to the Bishops in the Netherlands, to exhort them to use their influence in re-establishing order, and submission to their new Prince; but the Bishops thought proper to judge for themselves, and answered his Holiness accordingly, though with due respect: we have not heard of his *interfering* any further.

As for the word *Coercion*, it is perhaps equally ambiguous, as the term interference.

Should a man be forced by suspension or excommunication to restore the Church's patrimony unjustly seized, or should a kingdom be laid under an interdict to enforce a compliance with the laws of God or the Church, would not these means be called coercive? It were folly to swear that the Pope has no right to send an army to enforce submission to his mandates.

D. Indeed, Sir, this too close adhesion to nicety will do us no good. We have a fair and candid exposition of the oath, given by the Committee; they declare positively that this exposition is the real sense of it, and that it is understood in that sense, by all the great men in the nation: you know it is a maxim in law, that you must take an oath in the sense of the framer and proposer of it; why therefore should we refuse this oath, on account of this

this clause, which confessedly only abjures *coercive interference*; which even yourself do not allow of? The explication of the Committee is orthodox, and moreover gives the true sense of the oath.

C. I am very willing to submit to the judgment of a man, in his own art, of which I am ignorant. Granting then every degree of competency, to the decisions of those great men, you allude to, in legal and constitutional disquisitions, am I also to allow them to be competent judges, in religious questions? Must I give them an infallibility, in this *dogmatical fact*, which they require of me to refuse to the Pope, even in *doctrines*? Must I appeal to the adversaries of my faith, to know how far their tenets injure my Creed? These questions carry their answers with them. Would you, Sir, take the oath of supremacy, were the Chancellor to tell you, that no spiritual jurisdiction is meant to be abjured thereby, except such as is enforced, by coercive measures, of a temporal nature? I must then say, I cannot admit of their exposition; which, if it be the right one, they can have no rational objection to alter; that the terms expressing their meaning, shall otherwise be so couched, as to calm the fears of Catholics.

The explication of the Committee is not orthodox, in the article of dispensing with the obligation of oaths; nor in the abjuration of the Pope's infallibility, as a *pernicious doctrine*. It is captious and ensnaring, in the abjuration of the spiritual power of the Pope, and the title of Protestant Catholic Dissenter. It does not touch upon several real difficulties;

difficulties; it is not then admissible. The true, plain, obvious and ordinary sense of an oath appears naturally on the first reading of it, not from learned expositions. What was the sense of the oath, in the opinion of almost all Catholics, previous to the explication? What is still the opinion of our Divines abroad? Even the explication itself has not convinced one half of the nation. It remains then not plainly and obviously orthodox, but at best obscure and equivocal: it should not then be admitted.

What you say, of the maxim of Canon Law, is very just, in this sense, that you are not to wrest an oath, from the sense of the proposers, by private interpretation, mental restriction, &c. But this will not authorise you to swear to an error, in the plain and ordinary sense of the words; although perhaps the error would be removed, by a private interpretation of the framers of it.

Remember, Sir, the private interpretation given, by Ursarius and Valens, in the Council of Ariminum; and of the English Bishops, when they granted the supremacy to King Henry the VIIIth. Remember also, the fatal consequences of acceding to measures, which were not lawful, without these private interpretations. You know well, that the Bishops shamefully prevaricated, in both cases. In the former, they sacrificed the word consubstantial, consecrated by the Council of Nice. In the latter, they gave up an article of faith. Have we not every reason to fear the same dire effects in our times?

times? Suppose we take the oath, in the explained sense; but the following case, should any Catholic take advantage of the laws of the land, and having divorced his wife for *Crim. Con.* marry again, during her life time; in this case I say, should the Pope interfere, by commands or censures, would not every person, who accedes to, or submits to this interference, be considered as a prevaricator, against his oath? These reasons, you see, equally prove the other two exceptions, of the ecclesiastical government, and the persons of his Majesty's subjects, to be inadmissible. For if he has a right to command, and if commanding is a real interference, then this oath cannot be reconciled with the rights of his primacy.

D. I do not see what the Pope has to do with the ecclesiastical government of the nation, as by law established; for as such, it is a civil and temporal concern, in which you do not allow of any interference. As to the persons of Englishmen, he has no further to do with them, than to teach them their duty as their Primate, when it becomes necessary, to exert his authority so far.

C. So I suppose, were this oath taken, and the act past, that you would deny the Pope every right of jurisdiction over the Catholic religion, as, in that case, it would also be established, by law, and of course a temporal concern, as you are pleased to term it. But, Sir, whether the religion established, by law, be Catholic or Protestant, we Catholics cannot deny, but that the sovereign Pontiff is the

real Pastor of every one, who has entered the Church, by baptism: and that he is, by right of the primacy, the proper superior of every lawful ecclesiastical government; and moreover that he is invested with a right of controul over ever unlawful ecclesiastical government. You see, Sir, from the quotation above, that the Committee allows a right of inspection even over the civil government, when it is essentially wicked or tyranical; Is not every unlawful spiritual Government such? I must indeed observe, that, when an ecclesiastical government, whether established by law, or not, has cast off the authority of the See of Rome, especially when it has subsisted for a long series of years, it would be idle and nugatory, in the sovereign Pontiff to issue his commands or censures, where, he must know, they would be equally disregarded. But the *right* of chief Pastor is one thing; the *power* of exercising this right is another. It were folly to swear against the power of executing his decrees; for plain fact declares that he has none; but we are called upon to swear against the *right*, which, as Catholics, we cannot do: for, Sir, *no* violent division of unity, or separation from the communion of the Catholic Church, can ever deprive him of the right of ecclesiastical controul, which he has received from God himself.

I say the same as to the persons; for, in quality of primate of the Church, all Catholics owe him ecclesiastical obedience: now his censures or commands, although in matters purely spiritual, might have, at least, an indirect interference, with the liberty

liberty and persons of Catholics. I fancy a sentence of suspension, deposition or excommunication fulminated against any Clergyman on account of the oath, would sit very uneasily on his shoulders, and would no doubt be considered as interfering, with his liberty and person too. Nay, I dare say, it would be called an interference, in temporals, by the abettors of the Committee, who are pleased to say, that the oath is merely civil and political.

I shall now proceed, to the next clause in the oath; which I shall only note, because it is very ill worded, and might induce some ignorant person to think that we abjured the power of forgiving sin, by means of the sacrament of penance. This we cannot do, any more than Protestants can abjure the power of forgiving sins, by means of baptism. It is indeed very true that no Priest or Prelate can forgive sins at his will and pleasure, without the previous and necessary conditions of a sincere repentance: and although I believe that the Committee understand it, in this sense, yet, as it stands, worded, by our adversaries, it is very suspicious, and as such not admissible.

D. There is no doubt, but that the Committee, and the framers of it, understand this clause, in the sense in which you have explained it; this scrupulous exactness, which you require throughout; as I have all along remarked, greatly injures our cause. Pray what is your next nicety?

C. The history of the Protestation compells us to be cautious, in admitting any thing, which might, perhaps, be misconstrued, and wrested from

our real meaning. My next difficulty is, that no breach of faith with any person can ever be justified, under pretence that such person is an infidel. I have no difficulty in the clause as far as it concerns heretics; nor even as it touches infidels, provided that the *breach of faith* be restrained to common dealings, promises, or engagements between men. But, as you have observed, I am become so very nice, that I will not admit of any expression, which is not strictly accurate; now, Sir, you will please to recollect that a marriage with an infidel, or one, who has not been baptized, is null and void, by the laws of the Church; would not a separation, from such person, after a marriage contracted, be deemed a breach of faith, pledged in the most solemn and awful manner? It is however justifiable, should that person refuse to be baptized, and re-married, barely because that person is an infidel.

I will pass, with your leave, from nicety, to a difficulty of a more serious nature, contained, in the next clause, wherein, I am called upon to swear, that *no ecclesiastical power whatever can dispense with the obligation of any oath whatsoever*. I have extracted thus much only, of this clause, because, I allow of no power of dispensing, in civil compacts or bargains, nor yet in oaths of allegiance. But this universal proposition, which denies the power of dispensing in any oath whatever, is erroneous, and, not to say more of it, contrary to the universal practice of the Church.

D. You

D. You mean, I suppose, promissory oaths made to God. But, Sir, *the bill does* “ not refer to vows, “ or other solemn promises made to God,” but only such as affect the rights of third persons. Now, Sir, in such promissory oaths, between man and man, no priest or prelate can dispense. An oath may be taken under such circumstances as to be absolutely void; and then no dispensation is necessary: for example, in case an “ oath were extorted, by great “ personal violence, or threats of immediate death. “ In such cases, there may be a question, whether “ the obligations exist: but if they do exist, no “ power can dispense from them.” This is the doctrine of our Committee, page the 6th of their letter to the Catholics of England: and which they learned from some of the ablest divines of the kingdom.

C. Indeed, Sir, this strange explication does not amend the clause: but rather adds to its malignity. Although the Bill does not mention vows, yet it certainly comprehends every oath, even those made to God alone; and roundly asserts that no power can dispense with the obligation of any such oath; this, I once more assert, is erroneous. If you pretend, as some have done, that such oaths are to be considered as vows, I have only to answer, that your explication is equally erroneous, with the assertion: no orthodox Divine ever yet pretended to confound the nature of an oath, with that of a vow. They differ widely; as you will easily discover, on the slightest inspection, into any approved Divine. I must refer you to those, who have treated the matter,

ter, as it would go beyond our limits, to enter into particulars.

The doctrine of the Committee, is not accurate. Those able Divines, who taught them, should be sent to school to re-study their lesson. I grant, that, in some cases, an oath may be null and void, as when it is unlawful to be taken, then indeed there is no need of a dispensation: but in the cases alluded to, of an oath extorted, either by personal violence, or some pressing necessity, the oath is not void, unless the thing promised be wicked, or the oath be otherwise invalidated. A simple promise given, and accepted, creates an obligation, in justice, to the performance: should this promise be confirmed, by oath, then there arises an obligation from the tie of religion. Force, violence or fraud would destroy the obligation of justice, arising from the promise; but not the tie of religion, arising from the oath: for although the man, who has extorted the oath, has no right to exact the performance; yet the reverence due to the sacred name of God, requires that I should perform, what I have sworn to do, when I can lawfully do it. This obligation therefore still subsists, until it is taken away, by dispensation. This is the doctrine of orthodox Divines; and would not have been called in question, by the Committee Divines, but for the crooked purposes of worldly policy. When they, like Melancthon, had advanced too far to retreat, they were driven to these paltry shifts to defend a bad cause. They may deceive the Committee, and perhaps themselves

themselves too, but will never deceive an orthodox Divine of any information.

D. Under favour, Sir, you are too hard upon those good men, with whom the Committee have discussed this matter. By a dispensation I understand, *a declaration, that the law has ceased to bind*. Hence the reasons for dispensing are either good and sufficient, and then nothing is wanted, but the declaration; or they are bad, and then no power on earth can or ought to grant a dispensation. Now, Sir, it may happen that the reasons, for dispensing, are too plain and obvious to stand in need of a declaration, as is really the case, where fraud or violence are made use of to extort an oath; and therefore no dispensation is necessary.

C. From one error you are driven to another. The first error is, that no oath can be dispensed with; to support this, you assert another error, that all oaths made to God are vows. In oaths made to man, you again deny a power of dispensing; another error; but finding that some such oaths admit of a dispensation, you take your last refuge under the protection of a new definition of a dispensation; and this definition is perhaps as erroneous, as any of your former assertions. Pray, Sir, what orthodox Divine, ever before, gave such a definition? Even Canonists are not so loose: they give the following description of *dispensation*; *it is a prudent relaxation of the common law*. Divines, however, are more accurate, and say; *it is a prudent relaxation of the common law, in particular cases, where it would otherwise*

wife

wise bind. This addition is only for the sake of perspicuity: for, even according to Canonists, a dispensation is not a mere declaration that the law ceases, but a relaxation of the law; then it takes away an obligation, which would otherwise subsist. Were your definition admitted, a dispensation could not release or take away any obligation, but only declare it already removed: now, Sir, let us see a few absurdities, which would necessarily follow: were there sufficient reasons to grant a dispensation for any of the impediments of matrimony, for example, for a sub-deacon to marry; for cousin-germans, &c. &c. the law would really be removed, previous to the dispensation; and should the Pope refuse to grant it, from whatever motives, and the parties marry without a dispensation, the marriage would be valid: all that could be objected against such a marriage, would be, that it would be irregular; but it could not be void; because the law forbidding the union had really ceased: a Deacon, Priest or Bishop might pretend that he had reasons equally forcible, in his favour; and, by the same reason, might marry, and might laugh at every command, or censure, which should be issued against him.

I forbear urging this further. If you please we will proceed to examine the next and last exceptionable clause, in the oath, the infallibility of the sovereign Pontiff.

D. Agreed: but I wish previously to note, that we only deny his personal infallibility, independent of the general body of the Church. This supposed,

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I can not see a difficulty; it is no part of our religion, it is exploded from every university, and is not believed, by any one, on this side the Alps. Protestants think, that, if we believe the Pope to be infallible, he may command us to do what he pleases, and we are bound to obey. To remove this odium, we are called upon to renounce this infallibility; if we do it, it will be one great means of rooting out the inveterate prejudices of our protestant brethren, conceived on account of our supposed subjection to the See of Rome.

C. You are very kind and indulgent to the prejudices of Protestants: but why content them, by halves? Renounce the infallibility of the Church, and you will satisfy them compleatly.

The opinion of the sovereign Pontiff's infallibility is as harmless, as that of the Church's infallibility; we are not bound to obey his *commands*, because he is infallible; but because he is our lawful superior; and this he certainly is, whether he is, or is not infallible; hence we are bound to obey, whenever his commands are just, though we should abjure this infallibility, which you affect to call *personal*, or independent of the body of the Church; pray, Sir, what is the meaning of this? What other infallibility did Bellarmine contend for? Now, Sir, although a person should not allow of any sort of infallibility, in his Holiness, and therefore might lawfully sign a declaration against it; yet no one I think can swear against it. Might he not alter his opinion? how then could he take this oath, if ten-

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dered a second time? How terrible the consequence of his refusal? Should any one believe his Holiness possessed of this prerogative, he could not take this oath; he must then be branded with the titles of a dangerous subject, hostile and dangerous to the state; in one word, he must be a modern Papist! What folly this? and how foreign to an oath of allegiance?

But, Sir, this is not all; the Committee, in their letter to the Catholics, have told us, that we are called upon to renounce this opinion, among others, as a *pernicious doctrine*. page 3. "If the doctrines protested against, by the oath, be *pernicious*,—the propriety of the expression, *Protesting Catholic Dissenter*, is unquestionable." What these doctrines are, they tell us a few lines below; among the rest is, *that the Pope is infallible*. It is then to be abjured, in the oath, as a *pernicious doctrine*. Will you swear simply, and without explication, that it is a pernicious doctrine, because Protestants think it such?

By way of confirmation of what I have said before of that odious title, I shall remark, from the same letter, *ibid.* "that, if, by the oath, any doctrine be protested against, which is not pernicious: or, *a fortiori*, if any doctrine be protested against, which is an article of faith, the preamble (the title *Protesting Catholic Dissenter*) cannot be acquiesced in, by any Catholic, with a safe conscience." They promise to examine later, whether any doctrines, abjured in the oath, be pernicious, or articles
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of faith; but this we are yet to look for. Now, Sir, I will assert, 1. that the doctrine of the Pope's infallibility will never be proved pernicious to the state: 2. That several other doctrines abjured in the oath, are so closely connected with articles of faith, that without them faith itself would be altered: and this I hope I have proved: Then, Sir, no Catholic can, with a safe conscience acquiesce, in the title, or take the oath.

D. I think we are now at an end of our examination, and I must own that your reasons have not made me a convert. Let every man therefore think for himself, and let him that can, take the oath. We need not quarrel for this difference of opinion in temporal concerns: if your delicacy will not allow you to take the oath, you ought not to hinder those, who think they ought to stand forth, and regain their rights as citizens, by removing the odium, which inveterate prejudice has cast on their religion.

C. This doctrine is evidently calculated to defend and support a schism among English Catholics. Although what I have said has not convinced you, that the oath contains heterodox doctrines; you should be convinced, that the question, between us, is not purely of a political and temporal nature: no, Sir, it is of a *dogmatical fact*: which must be ultimately submitted to the supreme ecclesiastical Court; that is, *whether this oath does, or does not contain doctrines, which a Catholic cannot subscribe to.* When the sovereign Pontiff had condemned the five celebrated propositions of Jansenius; his followers,

lowers, after some resistance, acquiesced in the censure; but, to support their sinking cause, contended that these propositions were not found in the book intitled *Augustinus*: This also was condemned by the Pope, who declared, that they were really extracted, from the said book, in the sense therein expressed. You know, Sir, that the Church dispersed acquiesced, in the sentence; and that those who appealed from it, to a future General Council, were ever considered as cut off from the body of the Church. Should the sovereign Pontiff declare this oath unlawful to be taken, as inconsistent with faith, and hostile to salvation, if the Bishops dispersed were silent, would you still think it lawful; would you still call it a mere temporal and political concern? if so, what would become of the infallibility of the Church dispersed? Would not such or such-like pretences excuse any schismatic that ever existed? Indeed, Sir, if this question were decided, by the Pope, and the Church dispersed did not reclaim against the sentence, I should think myself bound, in conscience, not only to submit to the decree; but also to separate from every refractory person, who should dare to resist, or appeal.

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